



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, Vice-Chair, District 1

P.O. Box 1 - Downieville, CA 95936 - 530-289-3506 - supervisor1@sierracounty.ca.gov

Peter W. Huebner, District 2

P.O. Box 349 - Sierra City, CA 96125 - 530-862-1004 - supervisor2@sierracounty.ca.gov

Paul Roen, District 3

P.O. Box 43 - Calpine, CA - 209-479-2770 - supervisor3@sierracounty.ca.gov

Jim Beard, Chair, District 4

P.O. Box 1140 - Loyalton, CA 96118 - 530-414-8126 - jbeard@sierracounty.ca.gov

Scott A. Schlefstein, District 5

P.O. Box 192 - Loyalton, CA 96118 - 530-993-4900 - supervisor5@sierracounty.ca.gov

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on July 21, 2015 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Huebner

ROLL CALL

Present: Peter W. Huebner, Supervisor, District #2
Paul Roen, Supervisor, District #3
Jim Beard, Supervisor, Chair, District #4
Scott A. Schlefstein, Supervisor, District #5

Absent: Lee Adams, Supervisor, Vice-Chair, District #1

Staff: Heather Foster, County Clerk-Recorder
Jim Curtis, County Counsel
Rheta Vander Ploeg, Assistant County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Darden Bynum, Director of Health and Human Services
Laura Marshall, Assessor/IS Manager
Tim Standley, Sheriff/Coroner

APPROVAL OF CONSENT ITEMS

The Board moved to approve the Consent Agenda.

APPROVED. Motion: Roen/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Adams ABSENT)

10. CONSENT AGENDA

10.A. Resolution authorizing use of Title III funds in the amount of \$12,000 to reimburse Road Department for brush and debris removal work in and around the Sierra Brooks Subdivision and Smithneck drainage for community protection in response to the current proclamation of local emergency due to wildfire danger severity as proclaimed in Board Resolution 2014-066. (PUBLIC WORKS)

ADOPTED, Resolution 2015-076

10.B. Resolution approving proposed budget for the CalRecycle City/County Payment Program for Fiscal Year (FY) 2015/2016 and adopts the attached budget. (PUBLIC WORKS)

ADOPTED, Resolution 2015-077

10.C. Amendment to Agreement 2015-016 with Avalex, Inc. to extend term on the agreement for Loyalton Landfill Final Closure and Post-closure Maintenance Plan Preparation. (PUBLIC WORKS)

APPROVED, Agreement 2015-074

10.D. Resolution approving Agreement, (State No.15-10455), for the Immunization Program for Fiscal Years 2015/2016 and 2016/2017, between the State of California Department of Public Health (CDPH) and Sierra County. (PUBLIC HEALTH)

ADOPTED, Resolution 2015-078

APPROVED, Agreement 2015-075

10.E. Agreement for professional services between Sierra County Child Abuse Council and the County of Sierra. (SOCIAL SERVICES)

APPROVED, Agreement 2015-076

10.F. Agreement for professional services between Toddler Towers and the County of Sierra for Fiscal Year 2015/2016. (SOCIAL SERVICES)

APPROVED, Agreement 2015-077

July 21, 2015

10.G. Notice of Intent and designation of Health & Human Services as the public agency to administer the State of California Office of Child Abuse Prevention (OCAP) programs. (SOCIAL SERVICES)

10.H. Minutes from the regular meeting held on June 2, 2015. (CLERK-RECORDER)

2. PUBLIC COMMENT OPPORTUNITY

At 9:06 a.m. Chair Beard opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

No reports were given.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The IS Manager reported at the July 6th meeting the Board of Supervisors approved the purchase of the Fire Eye Security at the cost of \$18,565 and upon her request the CCP (Community Corrections Partnership) has agreed to pay for half of this, which if the Board approves the CCP budget, will save \$9,327.

The Auditor addressed an article in the paper wherein a community member stated the County is trying to float an \$11 million bond; this is not true and he would not do this to pay for the PERS unfunded liability. It is true that the miscellaneous unfunded liability is \$10.5 million but in reality this number changes all of the time. We are currently 78% funded. The Auditor added if you are 80% funded, you are generally fully funded.

Supervisor Schlefstein indicated he believes it is time the County responds to these types of letters in order to set the record straight.

Supervisor Schlefstein also reported that his schedule conflicts with the CCP meetings and he hasn't been able to attend. Supervisor Schlefstein suggested the Board discuss this at a future meeting and possibly assign a different Supervisor to the committee.

By consensus, the Board directed adding this to the next meeting agenda for discussion.

APPROVAL OF REGULAR AGENDA

The Director of Planning made a request for a late agenda item on behalf of PG&E as they are attempting to restore permanent power to the west side of the County. The Director added PG&E needs a 7 to 9 month lease/permit on County

July 21, 2015

property and they are attempting to get this in place by the end of next week. He is requesting the Board consider authorizing him to administratively authorize a facilities use agreement similar to what was done at the shop in Goodyears Bar for Siller Brothers.

In response to County Counsel's inquiry, the Director clarified this matter came up after the close of the agenda and this issue is urgent to PG&E and the communities that would be served by the restoration of permanent power.

The Board moved to add item 7.F. to the Regular Agenda.

7.F. Discussion/action on Facilities Use Agreement with PG&E for emergency substation on County property at Alleghany Maintenance Station.

APPROVED. Motion: Huebner/Roen/Unanimous Roll Call Vote: 4/0/1 (Supervisor Adams ABSENT)

The Board moved to approve the Regular Agenda as amended.

APPROVED as amended. Motion: Huebner/Roen/Unanimous Roll Call Vote: 4/0/1 (Supervisor Adams ABSENT)

DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS Continued

The Sheriff reported he is happy to report there is nothing to report.

The Director of Planning reported on a meeting held regarding the marijuana ordinance, noting there are some issues with the ordinance and he hopes the Board will reassign its committee to take on the review of the ordinance as he believes there are some things that need to be tweaked. He would also like to coordinate with County Counsel to get support on some of the suggested changes.

The Director also reported on a meeting conducted last week with representatives of the Forest Service and the California Conservation Corps. They are attempting to secure support of the state agency to site a facility somewhere on the east side of the County. This is a well-funded program and he is hoping to capitalize on our geographic position in the state to bring this to a reality.

The Director further reported on the Sierra Brooks water system noting he met with the Department of Fish and Wildlife and walked the property to conduct a field survey in the search for rare plants/flowers. The Director added they have come up with a solution and the Department of Fish and Wildlife has agreed to a few minor relocations of the roads. Today he is meeting with the project engineer on the property to show them the proposed realignment and he believes this will clear the hurdles that precluded the Wildlife Board from approving the project.

The Director added there is a meeting tomorrow in Sierra City between the State Water Resources Control Board and the small water systems in the community of Sierra

July 21, 2015

City to advise the small water systems of opportunities that may be available to them for servicing improvements and funding.

The Director of Health and Human Services reported on the Health and Social Services Committee meeting, noting it was determined it would be a good idea to make short presentations to the Board regarding the status of the Department. The Director continued to briefly report on the Department's immunization program which is about to resume again and is a successful program.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Quentin Youngblood reported on activities and projects in the district.

Supervisor Huebner thanked Ranger Youngblood for hosting the meeting with the conservation people and he believes this will be great for the future of the County.

6. INFORMATION SYSTEMS MANAGER - Laura A. Marshall

- 6.A. Discussion/direction and possible action regarding agreement approving purchase of services and/or products between the County of Sierra and Development Group, Inc.

The IS Manager addressed the Board indicating the owner of Development Group, Inc. (DGI) and one of engineers is present to answer questions from Board and County Counsel. The IS Manager added Sierra County has had a long standing relationship with DGI and have worked with them for 12 years. The County has been purchasing Cisco appliances and various licenses from DGI since they incorporated.

In November of last year she hired DGI to complete a network analysis of the County network. She signed an agreement with DGI for the service and all objectives were clearly stated and completed timely. DGI provided a map of the County network including a map of all of the appliances on the network. When she informed DGI following the completion of the network analysis, that the County was going to move forward with a new phone system, DGI volunteered to do the consulting services for the County including building the scope of work and designing a system as they have very intricate knowledge of system.

The IS Manager continued to explain she reviewed the scope of work and proposals in detail with the County's IS staff and DGI representatives and purged items the County didn't need in order to perfect the proposals that were brought to the Board on July 6th. In addition to acquiring a new phone system, the Board also requested her to obtain financing. Since DGI works specifically with Cisco appliances they were able to hook her up with Cisco Capital to put together a financing proposal which was approved at the July 6th meeting. What is on today's agenda is the DGI master contract.

The IS Manager further explained that DGI is licensed to bid on CMAS and as such the County was able to receive a 35% discount plus an additional discounts from

July 21, 2015

Cisco. DGI has made it clear they are willing to make reasonable changes to the master agreement.

The IS Manager also pointed out that if this proposal isn't approved she will be before the Finance Committee requesting an increase to her baseline budget to address the needed update/replacement of equipment to keep the network running.

The IS Manager further introduced Mr. Jason Eatmon, owner of DGI.

In response to Chair Beard's inquiry, the IS Manager explained the Courts are willing to partner with the County on the phone system, however if the Board doesn't approve the phone system the Courts will be meeting with DGI for their own system.

The IS Manager distributed a packet of material containing an email from DGI outlining some of the reasons they were unable to come to an agreement with the changes to the Master Agreement and copies of the scope of work for each project which details this is a functional phone system.

Mr. Eatmon addressed the Board and provided background on the company and their intent to keep partnerships and relationships with their customers including Sierra County. Mr. Eatmon added he was not personally involved in a lot of the discussion regarding the agreement, but he is prepared to answer questions.

Mr. Eatmon added DGI spent a lot of time and money developing a master agreement and he does believe the sphere of the agreement does encompass what is best for both his company and the County and if there are issues he would be willing to discuss them.

Mr. Eatmon explained this proposal does represent a network upgrade and right now he would file the County network under precarious and the phone system is currently having issues. Mr. Eatmon continued to review the upgrades necessary to the County's network and phone system and being able to secure a 50% discount for the County. Mr. Eatmon concluded that he is here today to have a healthy discussion and is fully prepared to make decisions as the owner of the company.

Chair Beard expressed concerns if the agreement isn't approved and having multiple crashes in the phone system that will affect the counties ability to communicate.

Mr. Eatmon responded he is happy to hear the Board has embraced the situation with the phone system and agrees with the Chair's concerns.

Supervisor Roen noted County Counsel's job is to protect and do the best for the County just as DGI is doing for them.

Mr. Eatmon concurred and noted he is willing to discuss this with the Board.

Supervisor Schlefstein indicated there is obviously a legal/contractual obstacle we need to figure out to get this done. The County has to have a modern infrastructure and cannot function without phones.

July 21, 2015

County Counsel reviewed the conversations he had with Mr. Lee Forsythe regarding the master agreement and his suggestion to go back to a standalone agreement similar to the last contract done for the prior phone system.

Discussion ensued regarding the timing on the contract and having to order by 10:00 a.m. Friday or it is an immediate \$80,000 increase in cost and if we lose the Courts, it's an additional \$40,000 increase.

County Counsel continued to address issues he had with the agreement.

The Board took a brief break to allow County Counsel and Mr. Eatmon to review the issues pertaining to the DGI agreement.

Following the break, County Counsel noted he appreciates Mr. Eatmon's recognition of some of his comments in regards to having a standalone agreement, and Mr. Eatmon has agreed to go back to his contracting person and revisit the 2010 agreement as a template for the purchase of the computer and phone system. He hopes to have a completed document by tomorrow and to hold a special Board of Supervisors meeting on Thursday to approve the agreement.

By consensus, the Board directed holding a special teleconference Board of Supervisors meeting to be held on Thursday, July 23, 2015 at 8:30 a.m.

6.B. Discussion and direction to staff regarding use of social media pages by County offices.

The IS Manager provided background noting the Board previously prohibited the use of social media in the County and with the purchase of ScanSafe by the Probation Department under SB 678 funding it allowed certain safety offices access to use Facebook for monitoring. The IS Manager added this request is from the Sheriff's office, OES and Health and Human Services to have a presence on social media. Currently, the County now has cyber security on the network so she is more comfortable moving forward using social media in certain offices.

The Sheriff distributed a policy developed by Lexipol, LLC for the Sierra County Sheriff's office on social media and provided background on the company. The Sheriff added there are currently 39 Sheriff's offices in the State of California that have some form of social media. The Sheriff's office intends on using social media for the benefit of the public.

The Sheriff continued to review how social media could be used for missing children and posting pictures right away, lightning strikes, flashfloods, etc. The Sheriff further urged the Board to allow the departments to have social media pages.

Supervisor Schlefstein indicated he follows a number of other counties on social media and it is a valuable tool.

Supervisor Schlefstein moved to authorize the use of social media.

July 21, 2015

The IS Manager requested anything that is posted on the social media sites will also get posted on the County's website. Also, with respect to County Counsel's concerns regarding Public Records Act requests, they had a phone conversation with a company called Archive Social which specializes in social media archiving. The IS Manager added each office would have an account with them and they can maintain/archive any information deleted from the site. The cost for this service was \$199 a month. The Sheriff did put a request to the CCP for funding to cover this, however the CCP wanted to hold this item over to see what this Board decided to do.

Supervisor Roen questioned if this is a long term contract commitment and whether there is an acceleration clause.

The IS Manager indicated she can make this inquiry.

The Sheriff added that the patrol cars are black and white which costs \$2,150 and \$1,000 for the plastic back seats. He can submit to the Board today that any new cars will not be black and white and will not have the \$1,000 plastic seats, so this can be funded long term.

The Sheriff added not everyone in the Sheriff's office will be able to post things on the site.

In response to the Auditor's inquiry, the IS Manager clarified that the only offices that opt to go to Facebook will have access to social media; Facebook is still banded for the employees.

Supervisor Schlefstein noted he believes the elected officials should have access to Facebook as it is a great public relations tool. If he is in Downieville at a Board meeting he would like to be able to take pictures of what is going on and tell everyone what is happening at that Board meeting and post it.

The IS Manager clarified that currently ScanSafe is being purchased by the safety offices and she would have to check with the CCP to see about opening it up to the Board of Supervisors.

The IS Manager further clarified that this wouldn't be open to everyone, only those using ScanSafe have access to Facebook. If Supervisor Schlefstein wanted access to Facebook she would have to use his specific IP address to set this up.

Following brief discussion, Supervisor Schlefstein amended his motion to authorize the offices to use social media pages which is to be funded by each department.

Assistant County Counsel explained the threshold question with counties that are currently being litigated through Facebook is in regards to indemnifying Facebook as this is what is agreed to when you use Facebook. There are only two Sheriff's Departments that currently have a county sponsored Facebook page; San Luis Obispo and Orange County. In addition to this, the biggest problem is whether the County is

July 21, 2015

going to allow people to post on the site or is it going to be just information provided by the agency.

The Sheriff clarified his intent is to put information out only.

Following discussion, the motion was amended to authorize the use of social media pages limited to information only, no public comment allowed.

Mr. Don Russell, Downieville questioned why the County needs to subsidize this when elected officials can have their own Facebook page and post their own information.

The Sheriff further clarified that his social media policy prohibits public posting.

Following further discussion, the motion was clarified to authorize departments to have a presence on social media and funding would be the responsibility of the department with the exception of safety offices which can be funded by CCP.

FAILED. Motion: Schlefstein/Beard/Failed Roll Call Vote: 2/2/1 (Supervisors Huebner and Roen NO, Supervisor Adams ABSENT)

Following discussion and by consensus, the Board directed adding this item to the next Board meeting agenda.

At 10:58 a.m. Supervisor Schlefstein stepped down from the Board.

7. PUBLIC WORKS / TRANSPORTATION - Tim Beals

7.A. Amendment to Agreement 2000-076, Solid Waste Services Agreement, with Intermountain Disposal, Inc. to update rate for servicing of bins placed at the landfill for use of the County.

The Director of Public Works explained this agreement is a change to how they are conducting work at the landfill and corrects the contract that has been in place for a decade. The Director added it was discovered by the Auditor that the billing is by the hour and not the bin.

The Board moved to approve the amendment to Agreement 2000-076, Solid Waste Services Agreement, with Intermountain Disposal, Inc. to update rate for servicing of bins placed at the landfill for use of the County.

APPROVED, Agreement 2015-078. Motion: Roen/Huebner/Unanimous Roll Call Vote: 3/0/2 (Supervisors Adams and Schlefstein ABSENT)

- 7.B. Discussion and direction to staff on adopted amendments to state regulations governing fire safe development (4290 Regulations) in the State Responsibility Area which become effective on January 6, 2016.

The Director of Planning explained this is a set of revisions to the existing state regulations administered by Cal Fire and applies to permits and discretionary projects approved by counties, cities, and local government. These changes are now adopted and become effective January 2016 and will require any local agency that has adopted an ordinance implementing these regulations, to resubmit their entire structure back to Cal Fire. The County doesn't have a separate ordinance, so unless the County wants to adopt an ordinance above these regulations, there is nothing required at this point.

The Director further summarized the difference between the current regulations versus the new regulations.

Chair Beard expressed concerns with the regulations stating the County is going to perform inspections when they are charging us for Cal Fire fees when Cal Fire doesn't have a presence in Sierra County.

In response to Supervisor Roen, the Director added that he will seek clarification from Cal Fire with respect to what the regulations mean in regards to annual maintenance requirements and will report back to the Board.

Ms. Ann Terrasas-Fassbender, Loyalton questioned the new requirement pertaining to the size of the address number on a house and if it affects current homes.

The Director clarified this only applies to new building permits or discretionary projects on or after January 6, 2016.

- 7.C. Resolution approving expenditure and Public Works Contract with All Phase Heating and Air Conditioning for installation of air conditioning improvements in the offices of the Clerk-Recorder, the Assessor, and the Public Works Accounting Office.

Following a brief introduction by the Director of Public Works, the Board moved to adopt the resolution approving expenditure and Public Works Contract with All Phase Heating and Air Conditioning for installation of air conditioning improvements in the offices of the Clerk-Recorder, the Assessor, and the Public Works Accounting Office.

ADOPTED, Resolution 2015-079 and **APPROVED**, Agreement 2015-079. Motion: Roen/Huebner/Unanimous Roll Call Vote: 3/0/2 (Supervisors Adams and Schlefstein ABSENT)

- 7.D. Resolution authorizing participation in National Emergency Grant (NEG) Drought Program with the Alliance for Workforce Development and authorizing use of NEG Drought Temporary Job Creation (TJC) Worksite Agreements for potential workers.

July 21, 2015

The Director of Transportation explained this program was recently announced from the Alliance for Workforce Development (AFWD) who has a lot of funding to spend out through the end of the federal fiscal year. This is an opportunity for the County to create a brush crew and one administrative position to administer the program. The brush crew would be focused on drought projects and fire clearance projects on public property.

The Director continue to explain the details of this contract were pretty consistent with every contract that comes through AFWD which is troubling as the structure of some of the terms makes it difficult for the County to sign off on these agreements. Most counties have a CAO and the departments execute the agreements so the Board rarely sees these agreements. The Director added that there are two concerns of risk, first we had to add new term requiring alcohol training if it involves a project where there is alcohol being served; we are not dealing with this. Second, is the underlying issue of a wide open indemnification clause. The Director added if the County is going to participate with AFWD the Board needs to direct a letter to AFWD to get this ridiculous language out of their projects as it is precluding the County from being able to participate.

Assistant County Counsel referred to Section 16 of the proposed agreement, noting the County is solely responsible for any breach by EEP even though the County is not the employer. Assistant County Counsel also expressed concerns with Section 19 and the AFWD not providing benefits, as starting July 1, 2015 AB 1522 requires providing sick leave to anyone who works more than 30 days.

Assistant County Counsel added that as much as this is a great idea, they are ideas supported by horrible liability to the County. There is also the question as to whether the County's insurance would allow us to indemnify a third party which is what they are asking us to do here.

The Auditor expressed concerns with having been stuck in the past of paying the unemployment on some of these programs.

Following discussion, Supervisor Huebner indicated he would express the County's concerns regarding AFWD's contract language at the next NoRTEC meeting to be held on Thursday.

7.E. Discussion and direction to staff on a letter to Congressman LaMalfa on the impacts of the Farm Bill Amendments on agriculture in Sierra County.

The Director of Planning indicated this is an opportunity for the Board to take a position on the impacts of the recent Farm Bill amendments to the County.

Supervisor Roen explained the request came from Mr. Holabird for some clarification of the impacts we have locally. Supervisor Roen added he would like to follow up with a letter outlining some of the concerns the County has.

The Board moved to authorize a letter to Congressman LaMalfa on the impacts of the Farm Bill Amendments on agriculture in Sierra County.

July 21, 2015

APPROVED. Motion: Huebner/Beard/Unanimous Roll Call Vote: 3/0/2 (Supervisors Adams and Schlefstein ABSENT)

- 7.F. Discussion/action on Facilities Use Agreement with PG&E for emergency substation on County property at Alleghany Maintenance Station.

The Board moved to authorize the Director of Transportation to administratively issue a Facilities Use Agreement with PG&E for emergency substation on County property at Alleghany Maintenance Station.

APPROVED, Agreement 2015-080. Motion: Roen/Huebner/Unanimous Roll Call Vote: 3/0/2 (Supervisors Adams and Huebner ABSENT)

8. COUNTY COUNSEL - James A. Curtis

- 8.A. Amendment to Agreement 03-192 between Alleghany County Water District and the County of Sierra for staffing and maintenance for a community library.

Following a brief introduction by Assistant County Counsel, the Board moved to approve the amendment to Agreement 03-192 between Alleghany County Water District and the County of Sierra for staffing and maintenance for a community library.

APPROVED, Agreement 2015-081. Motion: Huebner/Roen/Unanimous Roll Call Vote: 3/0/2 (Supervisors Adams and Schlefstein ABSENT)

9. CLOSED SESSION

- 9.A. Closed session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: Under Seal v. Under Seal.

The Board met in closed session from 11:36 a.m. to 11:42 a.m. Assistant County Counsel noted there was no reportable action under closed session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: Under Seal v. Under Seal.

11. CORRESPONDENCE LOG

- 11.A. Letter from Steve Folsom to Mr. Paul Hart, Assistant Public Service Officer, Tahoe National Forest in response to the Mexican Mine Trail Project - Public Scoping.

No action taken.

- 11.B. Proposed resolution from the Public Utilities Commission of the State of California pertaining to Sierra City Water Works, the resolution grants an increase in gross annual revenues of \$7,665 or 15.4%, over revenues

July 21, 2015

earned under current rates, which is estimated to provide a return on margin of 21.34% for test year 2015.

No action taken.

11.C. Sierra County Grand Jury Final Report 2014/2015.

No action taken.

ADJOURN

At 11:42 a.m., with no further business, Chair Beard adjourned the meeting.

JIM BEARD, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD